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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,611	07/03/2003	Ronald G. Hart	6270/109	6801
46260	7590	03/21/2005	EXAMINER WACHSMAN, HAL D	
BRINKS HOFER GILSON & LIONE/PML PO BOX 10395 CHICAGO, IL 60610			ART UNIT 2857	PAPER NUMBER

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

11A

Office Action Summary	Application No.	Applicant(s)	
	10/613,611	HART, RONALD G.	
	Examiner	Art Unit	
	Hal D. Wachsman	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2857

1. The substitute specification filed 12-21-04 is objected to under 37 C.F.R. 1.52 because there are tables (see for example Table A on pages 28-34) with lines that do not have sufficient space between the lines (specification must have lines that are 1 1/2 or double spaced). Appropriate correction is required.
2. Paragraph 5 of the prior Office action indicated that the listing of references in the specification was not a proper information disclosure statement however there was no comments on this in the Remarks section of the reply filed 12-21-04. Appropriate correction is required.
3. As was indicated in paragraph 3 of the prior Office action, paragraph 0001, refers to "08/798,923" but was it actually "08/798,723" that was intended here ? The marked-up copy of the substitute specification filed 12-21-04 showed this being corrected however that correction was not reflected in the clean copy. Appropriate correction is required.
4. The Examiner respectfully notes what appears to be a grammatical error on page 40, line 2: "ar not"

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 3, 4, 6, 9-21 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by McRae (5,859,596).

As per claim 1, McRae (see at least abstract) discloses the digital network. McRae (Abstract, col. 3 lines 50-57) discloses the first and second devices coupled with the digital network. McRae (col. 3 lines 50-60, col. 5 line 24) discloses the "at least one sensor coupled with said electric circuit...and generate at least one analog signal indicative thereof". McRae (col. 5 lines 24-26) discloses the "at least one analog to digital converter coupled with said at least one sensor...to at least one digital signal representative thereof". McRae (Abstract, col. 5 lines 20-27, col. 11 lines 57-61) discloses "a first processor coupled with said at least one analog to digital converter...from said at least one digital signal". McRae (Abstract, figures 2-4, col. 3 lines 64-67) discloses "a plurality of communications ports, each communication port of said plurality of communication ports operative to receive communications from said

Art Unit: 2857

digital network....substantially simultaneously with engaging in a second communication from a second communication port of said plurality of communications ports". McRae (Abstract, col. 3 lines 64-67) disclose "wherein said first device is further operative to communicate with said second device over said digital network".

As per claim 3, McRae (see at least abstract) discloses the feature of this claim.

As per claim 4, McRae (Abstract, col. 3 lines 64-67) discloses the feature of this claim.

As per claim 6, McRae (Abstract, figure 3) discloses the feature of this claim.

As per claim 9, McRae (col. 7 lines 19-67, col. 8 lines 1-6) discloses the features of this claim.

As per claim 10, it is inherent in the art that baud rate is a reference to the speed at which a modem can transmit data and applicable in McRae (column 4 lines 57, 58 for example) which uses a dial-up modem connection as well as the RS-232 links (see at least figure 3 in McRae).

As per claim 11, McRae (Abstract, Figure 3, col. 7 lines 32-39) discloses the feature of this claim.

As per claim 12, McRae (Abstract, figure 3) discloses the features of this claim.

As per claims 13 and 15, it is inherent in the art that RTS is an abbreviation for Request To Send, a signal used in serial communications sent as from a computer to its modem, to request permission to transmit.

As per claim 14, it is inherent in the art that CTS is an abbreviation for Clear To Send, a signal used in serial communications sent as from a modem to its computer, to indicate that transmission can proceed.

As per claim 16, it is inherent in the art that because of any time in waiting for the CTS signal, there would be a delay in transmission from the computer.

As per claim 17, McRae (col. 7 lines 66, 67, col. 8 line 7) discloses the feature of this claim.

As per claim 18, McRae (see at least abstract) discloses the feature of this claim.

As per claims 19 and 20, McRae (Abstract, figures 3, 4) discloses the features of each of these claims.

As per claim 21, McRae (col. 3 lines 50-60, col. 5 line 24) discloses the sensing step. McRae (col. 5 lines 24-26) discloses the converting step. McRae (Abstract, col. 5 lines 20-27, col. 11 lines 57-61) discloses the generating step. McRae (Abstract, figures 2-4, col. 3 lines 64-67) discloses the receiving and engaging steps.

As per claim 24, McRae (see at least abstract) discloses the digital network. McRae (Abstract, col. 3 lines 50-57) discloses the first and second devices coupled with the digital network. McRae (col. 3 lines 50-60, col. 5 line 24) discloses the "sensing means for sensing at least one power parameter...generating at least one

Art Unit: 2857

analog signal indicative thereof". McRae (col. 5 lines 24-26) discloses the "converting means for converting said at least one analog signal ...digital signal representative thereof". McRae (Abstract, col. 5 lines 20-27, col. 11 lines 57-61) discloses the "processing means for generating at least one computed value from said at least one digital signal". McRae (Abstract, figures 2-4, col. 3 lines 64-67) discloses the "communicating means for receiving communications from said digital network...in a plurality of substantially simultaneous communications using said communicating means". McRae (Abstract, col. 3 lines 64-67) disclose "wherein said first device ..communicate with said second device over said digital network".

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over McRae (5,859,596) in view of Macrodyne Inc. Model 1690 Phasor Measurement Unit, Product Description.

As per claim 2, Macrodyne Inc. Model 1690 Phasor Measurement Unit, Product Description (System Overview, Analog Input, Clock outputs, figure 2) discloses the feature of this claim. It would have been obvious to a person of ordinary skill in the

Art Unit: 2857

art at the time the invention was made to apply the techniques of Macrodyne Inc. Model 1690 Phasor Measurement Unit, Product Description to the invention of McRae as specified above because as taught by Macrodyne Inc. Model 1690 Phasor Measurement Unit, Product Description (page 2 – System Overview) because the sampling time is precisely known (to better than a microsecond), data from units installed throughout a utility power network can be directly compared therefore instantaneous power can be measured in real-time.

9. Claims 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over McRae (5,859,596) in view of the Applicant's Admissions of the prior art.

As per claim 5, the Applicant's Admissions of the prior art (page 14, paragraphs 0080, 0082 of the specification) teaches the feature of this claim. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the techniques of the Applicant's Admissions of the prior art to the invention of McRae as specified above because Ethernet is one industry standard communications port just as is the RS-232 that is being used in McRae.

As per claim 7, the Applicant's Admissions of the prior art (page 14, paragraphs 0080, 0082, of the specification) teaches the feature of this claim. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the techniques of the Applicant's Admissions of the prior art to the invention of McRae as specified above because RS485 is one industry standard communications port just as is the RS-232 that is being used in McRae and was well known in the art for interfacing multiple devices to a shared bus.

As per claim 8, McRae (Abstract, figure 3) discloses the RS232 port. It appears though that McRae does not clearly disclose the Ethernet port. However, the Applicant's Admissions of the prior art (page 14, paragraphs 0080, 0082 of the specification) teaches this excepted feature. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the techniques of the Applicant's Admissions of the prior art to the invention of McRae as specified above because Ethernet is one industry standard communications port just as is the RS-232 that is being used in McRae.

10. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McRae (5,859,596) in view of Burnett, Jr. et al. (Power System Applications for Phasor Measurement Units).

As per claims 22 and 23, Burnett, Jr. et al. (Power System Applications for Phasor Measurement Units, page 9) teaches that there was increasing interest in synchronized phasor measurement units and how they may be used for various power system applications and that the development of new types of computer-based hardware and the completion of the Global Positioning System of satellites provide the components needed for true synchronized PMU monitoring systems. This page also teaches that synchronized sampling, derived from the GPS, and high accuracy sigma-delta analog-to-digital converters form the basis for a system that can measure the state of the power system at a given instant over any area. Consequently, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the techniques of Burnett, Jr. et al. to the invention of McRae and send/receive

time synchronization requests between the devices because as taught by Burnett et al. (page 11) multiple synchronized PMUs capturing the same event can easily provide the necessary time synchronized data to study wide area effects of system damping and oscillations.

11. The following reference is cited as being art of general interest: Ratner (5,684,826) which discloses a modem enabling multi-point networks to be established over power lines and that a data network is a system of devices linked together so as to permit individual devices to exchange data with one or more other devices on the network.

12. Applicant's arguments filed 12-21-04 have been fully considered but they are not persuasive. On page 11 of the reply the Applicant states:

"This application is a divisional of U.S. Pat. No. 6,694,270, which claims priority to U.S. Pat. No. 5,650,936, filed on December 30, 1994. Therefore, this application claims priority to December 30, 1994. As McRae was filed August 30, 1996 and issued January 12, 1999, Applicant submits that it is not prior art under 35 U.S.C... 102(e)."

However, the Related Applications section on page 1 of the substitute specification clearly states:

"This application is a continuation under 37 C.F.R. ..1.53(b) of U.S. Application Serial no. 10/068,431, filed February 6, 2002, now U.S. Pat. No. 6,694,270, incorporated by reference herein, which is a continuation under 37 C.F.R. 1.53(b) of U.S. Application Serial no. 08/798,723, filed **February 12, 1997**, abandoned, which is a

continuation-in-part of U.S. Application Serial no. 08/369,849, filed December 30, 1994, now U.S. Pat. No. 5,650,936.....".

*A continuation-in-part application contains new matter that is not in the parent application as is the situation when continuation-in-part application 08/798,723 is compared to the parent application of that case which is U.S. application serial no. 08/369,849 now U.S. patent no. 5,650,936. Thus, the filing date to be considered in this situation is not the 1994 filing date of U.S. patent no. 5,650,936 but rather **the filing date of the continuation-in-part application 08/798,723 which is February 12, 1997**. The McRae reference has a filing date of August 30, 1996 which is before the February 12, 1997 filing date of the 08/798,723 CIP application and thus McRae does indeed qualify as art under 35 U.S.C. 102(e). In addition, the Examiner respectfully notes that no arguments were presented in the Applicant's reply to clearly show where and why in the 5,650,936 patent there is support for all the features now being claimed in this new continuation application.*

On page 12 of the reply the Applicant states "McRae fails to disclose a system for measuring the delivery of electrical energy from an electrical supplier consisting of monitoring devices that engage in substantially simultaneous communication wherein the monitoring devices can communicate with one another through the digital network". However, with respect to the underlined portion above and to the body of each claim, an unclaimed merit or distinction is being argued here. Furthermore, the Abstract figure clearly shows the monitoring devices (see all items numbered 18) and the network that enables the monitoring devices to substantially simultaneously communicate with each

Art Unit: 2857

other. On page 13 of the reply the Applicant argues "Each monitoring device is capable of communicating with a remote computer rather than with other monitoring devices".

However, col. 3 lines 64-67 of McRae clearly states:

"An important feature of the invention is that each monitoring device 18 is adapted to bidirectionally communicate with the other components via a power line carrier over the existing power line 12."

Thus, it is clear to see that "the other components" referred to above can include other monitoring devices. In addition, the Examiner respectfully notes, that the exchanging of data between devices on a network was indeed well known in the prior art as shown in the Ratner reference cited in paragraph 11 above. In the rejections made under 35 U.S.C. 103 using also the Macrodyne Inc., Applicant's Admissions of the prior art and Burnett, Jr. et al. references, no arguments were presented by the Applicant to address these references *specifically with respect to the features that these references were used to teach*.

13. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D. Wachsman whose telephone number is 571-272-2225. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hal D Wachsman
Primary Examiner
Art Unit 2857

HW
March 12, 2005